

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
NOVEMBER 23, 2005**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday November 23, 2005, in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:09 p.m. The meeting was scheduled for 7:00 p.m. but was delayed due to the length of preceding public hearings.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Renee Kabrick	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. All seven members were in attendance; therefore, there was a quorum for the meeting.

PUBLIC HEARING-ANNEXATION BROOKSTONE II AND III AREA

A public hearing advertised for 6:50 p.m. was called to order at 7:10 p.m. on Wednesday, November 23, 2005 in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana. The public hearing was delayed due to the length of the preceding business.

The purpose of the hearing was to receive public comments regarding the annexation of 32.81 acres located adjacent to and south of Brookstone Estates and Diamond Ridge Estates (annexation known as Brookstone II and III Area).

Notice appeared in the Herald on October 27, 2005. Notice was posted at city hall, faxed to the news media, and mailed to the affected property owners.

Mayor Schmitt then asked for public comment and if there were any remonstrators present.

Ken Brosmer, Brosmer Land Surveying, stated that this was the same area as the previous public hearing that was just held. Mr. Brosmer reported that 39 lots were planned for this development.

There were no other comments and no remonstrators present.

On **motion** made by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, and unanimously agreed, the public hearing was closed at 7:12 p.m.

COUNCIL MEETING RESUMES

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. October 19, 2005 regular monthly common council meeting.
2. August 29, 2005 memorandum from smoke free public meeting.
3. September 8, 2005 budget pre-adoption public hearing.
4. September 19, 2005 special meeting to adopt 2006 salary ordinances and the 2006 budget.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Bradley Seger to approve the minutes as presented. Motion carried 7-0.

Rezoning Proposal/Ordinance No. 2005-41. Mayor Schmitt sought consideration of the proposal to rezone 21.41 acres located south of Diamond Ridge Estates and south and east of Brookstone Estates from A-1 (Agricultural) to R-R (Rural Residential).

Thereafter, a **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember John Schroeder to accept the proposal to rezone 21.41 acres located south of Diamond Ridge Estates and south and east of Brookstone Estates from A-1 (Agricultural) to R-R (Rural Residential).

During discussion, Councilmember Bradley Seger stated that the extension of the road into Brookstone III is probably a Planning Commission decision, but he would like the developer to meet with the Mayor, the Street Commissioner and the owner of the land to see if it makes sense to build an additional access and share the costs, especially before the annexation ordinance comes before the Council.

The council unanimously approved the motion 7-0. Mayor Schmitt stated that the ordinance would be referenced Ordinance No. 2005-41.

Utility Service Board. Utility Service Board Secretary Ken Sendelweck presented a report of the regular monthly meeting held on November 21, 2005. Copies of the minutes are supplied to each council member.

City Attorney Sandra Hemmerlein gave an update on the law suit between the City of Jasper and Cincinnati Insurance. She said a trial date has been set for the last week in June 2006.

Smoke-free building issue. Mayor Schmitt asked the Council if they wanted to further discuss the smoke-free building issue. Councilmember Renee Kabrick stated that it was the consensus to table the issue until after the first of the year 2006.

On **motion** by Councilmember Renee Kabrick and seconded by Councilmember Ambrose Schitter, the smoke-free building issue was tabled until after the first of the year, January 2006. Motion carried 7-0.

Ordinance No. 2005-45 AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY AND RETAINING A PUBLIC UTILITY AND DRAINAGE EASEMENT ON THE SAME PROPERTY (Part of Villa Drive).

Ordinance No. 2005-45 vacates a part of Villa Drive in O. Eckerle's Victory Villa 6th Addition.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Bradley Seger and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Bradley Seger, it was moved to pass and adopt Ordinance No. 2005-45. The measure passed 7-0.

Resolution No. 2005-3 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXED AREA (Brookstone II and III Area).

Resolution No. 2005-3 adopts a fiscal plan for 32.81 acres for an annexation area known as Brookstone II and III Area.

Upon motion by Councilmember Renee Kabrick, seconded by Councilmember Randall Buchta and unanimously approved, it was moved to read the resolution for one reading only. Thereafter, on motion made by Councilmember Thomas Schmidt, seconded by Councilmember Renee Kabrick, and unanimously approved, it was moved to have the resolution read by title only. The resolution was so read. Thereafter, upon motion made by Councilmember Renee Kabrick, seconded by Councilmember Thomas Schmidt, and unanimously approved, it was moved to pass and adopt Resolution No. 2005-3. During discussion, Financial Coordinator Sharon Sander gave an overview of the fiscal plan and displayed a map of the area.

Ordinance No. 2005-31 AN ORDINANCE ESTABLISHING SALARIES FOR THE ELECTED OFFICIALS FOR THE CITY OF JASPER, INDIANA FOR THE YEAR 2006.

Ordinance No. 2005-31 establishes salaries for the elected officials for 2006.

The ordinance was read on first reading on September 19, 2005. Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt, and unanimously approved, the ordinance was ordered read on second reading by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember John Schroeder, seconded by Councilmember Raymond Howard, the ordinance was unanimously approved on the second reading.

During discussion, Clerk-Treasurer Boehm stated that Notice was published in the Herald on September 27 and October 4, 2005.

Thereafter upon motion by Councilmember John Schroeder, seconded by Councilmember Ambrose Schitter, and unanimously carried, it was moved to have the ordinance read on third and final reading by title only. The ordinance was so read. Thereafter, on motion made by Councilmember Thomas Schmidt, seconded by Councilmember Randall Buchta, Ordinance No. 2005-31 was unanimously approved on the third and final reading.

Zoning Ordinance Amendment/Ordinance No. 2005-43. Mayor Schmitt sought consideration of the City of Jasper's proposal to amend the text in its Zoning Ordinance No. 1993-17 that references the rules for election signs and other sign language.

Thereafter, a motion was made by Councilmember Ambrose Schitter and seconded by Councilmember Thomas Schmidt to accept the proposal with regards to the language regarding signs as written and adopt the ordinance. Motion carried 7-0.

Mayor Schmitt stated that the ordinance would be referenced Ordinance No. 2005-43.

Ordinance No. 2005-42 AN ORDINANCE AMENDING SECTION 4(2) OF ORDINANCE NO. 546, ENTITLED 'AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA'—PARKING PROHIBITED ON CERTAIN DESIGNATED STREETS.

Ordinance No. 2005-42 prohibits parking along Lube Way.

Upon motion by Councilmember Renee Kabrick, seconded by Councilmember Randall Buchta and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Bradley Seger,

seconded by Councilmember Ambrose Schitter, it was moved to pass and adopt Ordinance No. 2005-42. The measure passed 7-0. During discussion, City Attorney Sandra Hemmerlein reported that the recommendation had come from the Board of Public Works and Safety.

Ordinance No. 2005-44 AN ORDINANCE TO TRANSFER APPROPRIATIONS FOR THE CITY OF JASPER, INDIANA FOR THE REMAINDER OF THE FISCAL YEAR ENDING DECEMBER 31, 2005.

Ordinance No. 2005-44 budget appropriation transfers for 2005.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Raymond Howard and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Renee Kabrick, seconded by Councilmember Thomas Schmidt and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, it was moved to pass and adopt Ordinance No. 2005-44. The measure passed 7-0. During discussion, Financial Coordinator Sharon Sander reviewed the ordinance.

Outside Furnace Units. Councilmember Ambrose Schitter stated that he was concerned about outside furnace units and advised on an ordinance regulating installation according to the Outdoor Furnace Manufacturers Association guidelines. Mayor Schmitt agreed and reported that the City is getting information together and is working with the fire chief.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Renee Kabrick to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 8:12 p.m.

**William J. Schmitt, Mayor
Presiding Officer**

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary